

ASSEMBLY BILL

No. 2549

Introduced by Committee on Water, Parks, and Wildlife (Assembly Members Levine (Chair), Bigelow (Vice Chair), Dodd, Cristina Garcia, Gomez, Harper, Lopez, Medina, Salas, and Williams)

February 19, 2016

An act to amend Sections 5003.17 and 5080.40 of the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 2549, as introduced, Committee on Water, Parks, and Wildlife. State park system.

Existing law authorizes the Department of Parks and Recreation to lease, for any use, all or any portion of any parcel of real property for state park system purposes if the Director of Parks and Recreation makes certain findings, and prohibits, among other terms and conditions, any such lease from extending beyond a 10-year period unless the Legislature or the State Public Works Board reviews and approves the proposed lease, as provided. Existing law also prohibits the department from entering into an operating lease or agreement or amendment with any public agency for the care, maintenance, administration, and control of certain lands for the state park system unless either the Legislature or the State Public Works Board reviews the lease, agreement, or amendment, as specified.

This bill would, in those circumstances, instead require the director to provide at least 30 days' advance written notice of the proposed lease, operating lease, agreement, or amendment, along with specified documentation, to the appropriate policy and fiscal committees of the Legislature and to the Joint Legislative Budget Committee.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5003.17 of the Public Resources Code
2 is amended to read:

3 5003.17. (a) The department may lease, for any use, all or any
4 portion of any parcel of real property acquired for state park system
5 purposes, if the director finds that the use would be compatible
6 with the use of the real property as a unit or part of a unit and with
7 the sound management and conservation of resources within the
8 unit.

9 (b) Rent shall be based on the fair market value of the property
10 when used for the purpose for which it is leased. All rent shall be
11 deposited pursuant to Section 5010.

12 (c) The lease term shall not exceed 10 years. All leases are
13 subject to the approval of the Department of General Services.

14 (d) No lease shall be entered into that extends beyond the
15 10-year period unless ~~the Legislature has reviewed and approved~~
16 ~~the proposed lease as part of the annual budget process, or the~~
17 ~~Public Works Board has determined that the proposed lease could~~
18 ~~not have been presented to the Legislature for review and approval~~
19 ~~in the course of its consideration of the Budget Bill and that it~~
20 ~~would be adverse to the interests of the public to defer that review~~
21 ~~and approval to a time when the Legislature next considers a~~
22 ~~Budget Bill. Upon making that determination, the board may~~
23 ~~review and approve the proposed lease after giving at least 20~~
24 ~~days' written notice to the Chairperson of the Joint Legislative~~
25 ~~Budget Committee and to the chairperson of the fiscal and~~
26 ~~appropriate policy committees of its intended action. All actions~~
27 ~~taken by the board pursuant to this subdivision shall be reported~~
28 ~~to the Legislature in the next Governor's Budget. both of the~~
29 ~~following occur:~~

30 (1) *At least 30 days' advance written notice of the proposed*
31 *lease, including a copy of the proposed lease, has been provided*
32 *by the director to the appropriate policy and fiscal committees of*
33 *the Legislature and the Joint Legislative Budget Committee.*

34 (2) *The director includes with the proposed lease sufficient*
35 *documentation to enable the Joint Legislative Budget Committee,*

1 *and the other committees, to determine whether the lease will*
2 *conform to the requirements of this article and to evaluate fully*
3 *all terms upon which the lease is proposed to be let, including the*
4 *rent and other returns anticipated to be received.*

5 SEC. 2. Section 5080.40 of the Public Resources Code is
6 amended to read:

7 5080.40. (a) No operating lease or agreement shall be entered
8 into, or amended, pursuant to this article unless ~~one of the~~
9 ~~following has occurred:~~ *at least 30 days' advance written notice*
10 *of the proposed operating lease or agreement or amendment,*
11 *including a copy of the proposed lease or agreement or*
12 *amendment, has been provided by the director to the appropriate*
13 *policy and fiscal committees of the Legislature and the Joint*
14 *Legislative Budget Committee.*

15 ~~(1) The Legislature has reviewed the lease or agreement, or~~
16 ~~amendment, as part of the annual budget process or the~~
17 ~~requirements of paragraph (2) have been met.~~

18 ~~(2) Following enactment of the annual Budget Act, the State~~
19 ~~Public Works Board determines that the proposed lease or~~
20 ~~agreement or amendment could not have been presented to the~~
21 ~~Legislature for review during the annual budget process, or that~~
22 ~~the proposed lease or agreement or amendment was reviewed~~
23 ~~during the annual budget process but it is necessary to revise the~~
24 ~~terms of the lease or agreement or amendment in a material respect,~~
25 ~~and the State Public Works Board determines that it is adverse to~~
26 ~~the interests of the public to defer that review to the next annual~~
27 ~~budget process. Upon making its determination, the State Public~~
28 ~~Works Board may review and approve the proposed lease or~~
29 ~~agreement or amendment, or any revision thereof, not sooner than~~
30 ~~20 days after the board has provided written notification to the~~
31 ~~Chairperson of the Joint Legislative Budget Committee, the~~
32 ~~Chairperson of the Assembly Ways and Means Committee, and~~
33 ~~the Chairperson of the Senate Budget and Fiscal Review~~
34 ~~Committee of the intended action. All actions taken by the State~~
35 ~~Public Works Board pursuant to this paragraph shall be reported~~
36 ~~to the Legislature in the next Governor's Budget.~~

37 (b) The ~~department~~ *director* shall include with the proposed
38 lease or agreement or amendment sufficient documentation to
39 enable the ~~Legislature or the State Public Works Board, as the case~~
40 ~~may be,~~ *Joint Legislative Budget Committee, and the other*

1 *committees*, to evaluate fully the estimated operating costs and
2 revenues and all terms upon which the lease or agreement or
3 amendment is proposed to be entered into. Specifically, the
4 documentation shall identify both of the following:

5 (1) Any anticipated costs to the state for operation or
6 development under the lease or agreement or amendment and the
7 anticipated state share of total operation and development costs.

8 (2) The anticipated annual revenues, net of operation costs, for
9 the unit and the state's share of these revenues.

10 (c) Leases or agreements shall be exempt from subdivisions (a)
11 and (b) when all of the following conditions exist:

12 (1) The lease or agreement involves operation of only a portion
13 of a unit of the state park system.

14 (2) The term of the lease or agreement is for a period of 20 years
15 or less.

16 (3) The lease's or agreement's impact to the unit, including
17 concessions revenue, will not exceed five hundred thousand dollars
18 (\$500,000) in annual gross revenue generated on the property.

19 (4) The lease or agreement involves no significant change in
20 state operational funding or staffing levels, and does not include
21 present or future state expenditures for development of the unit.

22 (d) Amendments to existing leases or agreements shall be
23 exempt from subdivisions (a) and (b) when all of the following
24 conditions exist:

25 (1) The amendment involves operation of only a portion of a
26 unit of the state park system.

27 (2) The amendment's impact to the unit will not exceed five
28 hundred thousand dollars (\$500,000) in annual gross revenue
29 generated on the property.

30 (3) The amendment involves no significant change in state
31 operational funding or staffing levels, and does not include present
32 or future state expenditures for development of the unit.